



Energy Facility Permitting  
85 7th Place East, Suite 500  
St. Paul, Minnesota 55101-2198  
ph 651.296.4026 | fx 651.297.7891  
[www.energyfacilities.puc.state.mn.us](http://www.energyfacilities.puc.state.mn.us)

---

August 19, 2011

Bill Schwandt  
Moorhead Public Service  
500 Center Ave.  
PO Box 779  
Moorhead, MN 56561

Tim Magnusson  
Clay County Planning and Zoning  
Clay County Courthouse – 3<sup>rd</sup> Floor  
807 11<sup>th</sup> St. North  
Moorhead, MN 56560

**Re: Local Review of Moorhead Public Service 115 kV Transmission Line and Substation Project  
Commission Docket Number: E275/LR-11-689**

Dear Mr. Schwandt and Mr. Magnusson,

Greetings. This letter confirms that the Minnesota Public Utilities Commission (Commission) has received notification that Moorhead Public Service (MPS) intends to seek local review to construct a new 7.5-mile long 115 kilovolt (kV) transmission line and associated substation (“Opportunity Substation”). The project would be located in Clay County and in the city of Moorhead, Minn.

Under the Power Plant Siting Act, a permit from the Commission is required for transmission line projects over 100 kV (Minn. Stat. § 216E). However, local review and permitting is possible for eligible projects (Minn. Stat. § 216E.05). For such projects, a utility may apply to a local unit of government instead of the Commission for a permit to build the project. This letter confirms that MPS’s proposed project is eligible for local review.

Based on the proposed location of the project, Clay County and the city of Moorhead are the local units of government with jurisdiction to permit the project. MPS has indicated that it will be seeking a conditional use permit from Clay County for that portion of the project in the county. A local unit of government may relinquish its permitting jurisdiction by requesting that the Commission assume jurisdiction within 60 days of the filing of an application with the local unit of government (Minn. Rules 7850.5300, Subp. 4).

An environmental review process, including the development of an environmental assessment (EA), must be conducted by a local unit of government with jurisdiction over the project (Minn. Rules

7850.5300). MPS has indicated that Clay County and the city of Moorhead are in agreement that Clay County will be responsible for the environmental review process for MPS's proposed project.

Specific requirements with regard to the environmental review process include (Minn. Rules 7850.5300, Subp. 5):

- (1) Providing an opportunity for the public to participate in the development of the scope of the environmental assessment before it is prepared,
- (2) Publishing notice in the EQB Monitor when the assessment is available for review and the procedure for commenting on the assessment, and
- (3) Withholding a final decision on the project until at least ten days after the notice appears in the EQB Monitor.

Clay County must also provide a copy of the environmental assessment to the Commission when it is completed (Minn. Rules 7850.5300, Subp. 5). Electronic filing (eFiling) of the environmental assessment is encouraged (<https://www.edockets.state.mn.us/EFiling>).

This letter confirms that MPS has sent the required notice to those persons on the Commission's general notification list that a permit has been applied for from a local unit of government (Minn. Rules 7850.5300, Subp. 3).

Please contact me with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ray Kirsch". The signature is fluid and cursive, with a large loop at the end.

Ray Kirsch  
[raymond.kirsch@state.mn.us](mailto:raymond.kirsch@state.mn.us)  
651-296-7588

cc: Burl Haar, Commission  
Bob Cupit, Commission  
Michael Redlinger, city of Moorhead  
Dennis Haselhoff, DeWild Grant Eckert & Associates